

MAR 26 2007

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FACSIMILE COVER SHEET

Deliver to: Nina Bhat, USPTO Art Group: 1764
Facsimile No.: (571) 273-8300 Date: March 26, 2007
From: Brent E. Vecchia, Reg. No. 48,011
Our Docket No.: 6049P001 Number of pages 9 including this sheet.
Application No.: 10/099,771 Filing Date: 3/15/2002
Docket Due Date(s): 3/25/2007

Enclosed are the following documents:

- | | |
|---|---|
| <input type="checkbox"/> Amendment: _____ (____ pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (____ pgs) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application: _____ (____ pgs) w/cover & abstract | <input type="checkbox"/> Petition for: _____ |
| <input type="checkbox"/> Assignment & Cover Sheet (____ pgs) | <input type="checkbox"/> Request for Continued Examination (RCE) |
| <input type="checkbox"/> Certificate of _____ | <input type="checkbox"/> Reply Brief (____ pgs) |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) |
| <input type="checkbox"/> Declaration & POA (____ pgs) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input type="checkbox"/> Drawings: ____ sheets, ____ figures | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: _____ | <input type="checkbox"/> Response to Written Opinion (____ pgs) |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input checked="" type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> IDS & PTO/SB/08 (____ pgs) | <input type="checkbox"/> Transmittal of Publication Fee Due |
| <input checked="" type="checkbox"/> Other Comments to Terminal Disclaimers and Fax Cover Sheets | <input checked="" type="checkbox"/> Transmittal Letter |

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

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Wendi Lou Rostan 3/26/2007
Wendi Lou Rostan Date

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| | | | |
|---|---|------------------------|------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application No. | 10/099,771 |
| | | Filing Date | March 15, 2002 |
| | | First Named Inventor | Scott D. Redmond |
| | | Art Unit | 1764 |
| | | Examiner Name | Nina Bhat |
| Total Number of Pages in This Submission | 8 | Attorney Docket Number | 6049P001 |

| ENCLOSURES (check all that apply) | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Comments to Terminal Disclaimer and Fax Cover Sheet</div> |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Brent E. Vecchia, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature | <i>Brent E. Vecchia</i> |
| Date | 3/26/07 |

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|--|-------------------------|------|---------|
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| Typed or printed name | Wendi Lou Rostan | | |
| Signature | <i>Wendi Lou Rostan</i> | Date | 3/26/07 |

Based on PTO/SB/21 (09-04) as modified by Blakely, Sokoloff, Taylor & Zafman (ndc) 10/12/2006.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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**FEE TRANSMITTAL
for FY 2006**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

180.00

Complete if Known

| | |
|----------------------|------------------|
| Application Number | 10/099,771 |
| Filing Date | March 15, 2002 |
| First Named Inventor | Scott D. Redmond |
| Examiner Name | Nina Bhat |
| Art Unit | 1764 |
| Attorney Docket No. | 6049P001 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.☒ Credit any overpayments

FEE CALCULATION

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 2053 | 130 | 2053 | 130 | Non-English specification | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing | |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding | |
| 1460 | 130 | 2460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 1809 | 790 | 1809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| Other fee (specify) <u>Terminal Disclaimer</u> | | | | | 180.00 |
| SUBTOTAL (2) | | | | (\$) | 180.00 |

SUBMITTED BY

| | | | | | |
|-------------------|-------------------------|-----------------------------------|----------|-----------|----------------|
| Name (Print/Type) | Brent E. Vecchia | Registration No. (Attorney/Agent) | 48,011 | Telephone | (303) 740-1980 |
| Signature | <i>Brent E. Vecchia</i> | Date | 03/26/07 | | |

Complete (if applicable)

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/099,771
1st Named Inventor : Scott D. Redmond
Filed : 03/15/2002
Docket No. : 6049P001

Confirmation No. : 4852
Art Unit : 1764
Examiner : Nina Bhat
Customer No. : 8791

COMMENTS TO TERMINAL DISCLAIMERS

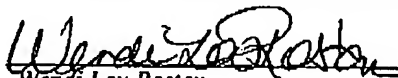
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached please find a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application for application no. 10/241,125 and a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent for patent no. 7,169,489 (application no. 10/310,498. Applicant has not attached a Terminal Disclaimer for application no. 10/099,274 because the application has been abandoned.

CERTIFICATE OF TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the Patent and Trademark Office.


Wendy Lou Rostan
3/26/07
Date

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the cited art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 3/26/07

By Brent E. Vecchia
Brent E. Vecchia, Reg. No. 48,011
Tel.: (303) 740-1980 (Mountain Time)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025